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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,913	06/30/2000	Eduardo Cue	P2514/001580-569	1176

7590

07/13/2004

James W Peterson
Burns Doane Swecker & Mathis L L P
P O Box 1404
Alexandria, VA 22313-1404

EXAMINER


RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/607,913	Applicant(s) CUE ET AL.	
	Examiner Rob Rhode	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 30, 32 - 34, 36 - 38 and 40 - 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 30, 32 - 34, 36 - 38 and 40 - 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-1-2004 has been entered.

Response to Amendment

The applicant's amended claims 1, 8, 15, 22, 29, 33, 37 and 41 and canceled claims 31, 35 and 39 as well as traverse the rejection for claims 1 – 30, 32 – 34, 36 – 38 and 40 – 44.

Currently claims 1 – 30, 32 – 34, 36 – 38 and 40 – 44 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 30, 32 – 34, 36 – 38 and 40 - 44 are rejected under 35

U.S.C. 102(e) as being unpatentable over Dodd (US 6,633,849 B1).

Regarding claim 1 and related claims 8, 15, 22, 29, 33, 37 and 41 (Currently Amended), the Dodd teaches a method and system for automatically sending an order from a first user to a recipient over a computer network, the method comprising: receiving order selections from a computer of the first user; saving stored order data, the stored order data including the order selections and order purchase information; generating a web page having an address and containing the order selections and order purchase information from the stored order data; and in response to a first user request, automatically producing and sending an electronic mail message having the address of the web page to a computer of the recipient and generated from the stored order data, the electronic mail message identifying the stored order and order purchase information and allowing the recipient to purchase the stored order using the web page wherein the stored order is not ediatable by the recipient and generating the web page and electronic mail message from the stored order data simplifies operation (see at least Abstract, Col 2, lines 23 – 40, Col 3, lines 30 – 55 and Figure 5).

Regarding claim 2 and related claims 9, 16 and 23 (Original), Dodd teaches a method and system, further comprising producing a display of the stored order for potential purchase by the recipient (Col 3, lines 48 – 56 and Figures 2A-F))

Regarding claim 3 and related claims 10, 17 and 24 (Original), Dodd teaches a method and system, wherein the display-producing step comprises producing a web page display of the stored order for purchase by the recipient (Col 2, lines 34 – 36).

Regarding claim 4 and related claims 11, 20 and 28 (Original); Dodd teaches a method and system, wherein the electronic mail message includes a URL which allows for the construction of a web page displaying the stored order (Col 4, line 26 and lines 44 - 46).

Regarding claim 5 and related claims 12, 18 and 25 (Original), Dodd teaches a method and system, wherein the stored order includes a single item (see at least Col 4, lines 52 - 59).

Regarding claim 6 and related claims 13, 19 and 26 (Original), Dodd teaches a method and system, wherein the stored order includes a main item and at least one accessory (see at least Col 4, lines 52 - 53).

Regarding claim 7 and related claims 14, 21 and 27 (Original), Dodd teaches a method and system, wherein the step of receiving the order selections includes providing an electronic display of possible selections for the user (see at least Figures 1A – 2F).

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Regarding claim 30 and related claims 34, 38 and 42 (Original), Dodd teaches a method and system, wherein the first and second order selections are selected from a web page from an electronic commerce site (see at least Abstract and Col 1, lines 34 - 51)

Regarding claim 32 and related claims 36, 40 and 44 (Previously Presented), Dodd teaches a method and system, wherein the display of a web page for the first or second orders includes a link to a display of the items of the first order and a display of the items of the second order (see at least Figures 1A-2F).

Regarding claim 43 (Previously Presented), Dodd teaches a method and system wherein the display of the first and second stored orders comprise a web page (see at least Figures 1A-2F).

Response to Arguments

Applicant's arguments with respect to claims 1 – 30, 32 – 34, 36 – 38 and 40 - 44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

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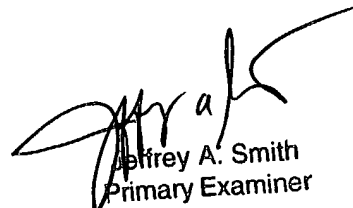
or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER


Jeffrey A. Smith
Primary Examiner